

HONORABLE THOMAS O. RICE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROGELIO MONTES and MATEO
ARTEAGA,

Plaintiffs,

vs.

CITY OF YAKIMA; MICAH
CAWLEY, in his official capacity as
Mayor of Yakima; and MAUREEN
ADKISON, SARA BRISTOL, KATHY
COFFEY, RICK ENSEY, DAVE Ettl,
and BILL LOVER, in their official
capacity as members of the Yakima City
Council,

Defendants.

NO. 12-cv-3108-TOR

DECLARATION OF STEPHAN A.
THERNSTROM, Ph.D. IN
SUPPORT OF DEFENDANTS'
RESPONSE TO PLAINTIFFS'
MOTION TO EXCLUDE EXPERT
TESTIMONY

1 I, Stephan A. Thernstrom, Ph.D., hereby state and declare as follows:

2 1. I have been retained by Defendants in this matter to serve as an
3 expert witness.

4 2. In their motion to exclude my testimony, Plaintiffs reference a
5 decision in *Large v. Fremont County*, No. 05-cv-0270 (D. Wyo. 2010). I served
6 as an expert witness on behalf of the County in that litigation.

7 3. The circumstances of the Fremont County case were very different
8 from those here. In the Fremont County case, there were no newspaper articles
9 and very little in the way of statistics, or other material commonly relied on in
10 Voting Rights Act cases in which I have served as an expert witness.

11 4. Instead, the Plaintiffs' evidence consisted mostly of the opinions of a
12 social psychologist, Dr. Martha Hipp, who had long lived in the area and had
13 interviewed tribal members, quoting extensively from their responses.

14 5. Because of the absence of written materials to analyze, my report
15 was brief and my opinions were limited to the methodological criticism that Dr.
16 Hipp's conclusions were subjective and did not meet the standards of professional
17 history.

18 6. Unlike the Fremont County case, the Yakima litigation involves an
19 abundance of documents and data to which both Plaintiffs' Senate factors experts
20 and I have equal access. Furthermore, I was able to locate a significant amount of
21 other relevant materials through my independent research.

1 I declare under penalty and perjury under the laws of the United States of
2 America that the foregoing is true and correct.

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4 Executed this 15th day of July, 2014, at McLean, Virginia

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6 s/ Stephan A. Thernstrom, Ph.D.

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8 Stephan A. Thernstrom, Ph.D.
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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the State of Washington, that on the date noted below, a true and correct copy of the foregoing was delivered and/or transmitted in the manner(s) noted below:

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DATED this 15th day of July, 2014

s/ Yalda Biniazan
Yalda Biniazan, Legal Assistant